IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2053 OF 2005

Shri.Keshav Bendu Pitambare ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.N.N.Gawankar with Mr.Arfan Sait for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MARCH 28, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. The incident in question is out of group rivalry. The first informant reported the offence immediately after the incident, naming 28 assailants. Applicant is not named as one of the assailants. Even the other eight persons, who

claim that they were present at the spot, whose statements have been recorded, have not named the Applicant. Only three witnesses have named the Applicant. One is Dinesh Maruti Bhule, who claims that the Applicant was present on the spot and gave him fist blows. There are two more witnesses who have named the Applicant namely Alka Gharat and Madhukar Hegde, who had seen the Applicant at the spot. Both witnesses have, however, stated that the Applicant was seen exhorting the assailants.

3. As mentioned earlier, the incident in question is on account of group rivalry. In all, 29 accused have been named. There is tendency of implicating persons in the rival group. The first informant has immediately reported the matter and has named 28 assailants. Even other eight witnesses have named the same 28 assailants.

4. Taking overall view of the matter, as investigation is complete and charge-sheet has been filed, the Applicant deserves to be enlarged on bail, but on the following terms :

(a) The Applicant is directed to be released on bail in connection with C.R.No.I-96 of 2004 registered with Kalyan Taluka Police Station on executing personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand) with one or two local sureties in the like amount.

(b) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(c) The Applicant shall not enter Thane District during the pendency of the trial, except for attending Court cases on the specified dates.

(d) The Applicant shall inform his place of residence to the Investigating Officer as well as the Trial Court within one week from the date of release. In addition, Applicant shall report to the nearest Police Station, once in a month, on first Saturday of every English Calender Month.

(e) The Applicant shall extend full co-operation to the Trial Court for early disposal

of the trial and if the Trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that fact be recorded in the Roznama, which will be a ground for cancellation of bail.

5. Application disposed of on the above terms.

A.M.KHANWILKAR, J.